

## RIVERO MESTRE

Rivero Mestre LLP

2525 Ponce de Leon Blvd.  
Suite 1000  
Miami, Florida 33134  
T 305.445.2500  
F 305.445.2505  
[www.riveromestre.com](http://www.riveromestre.com)

November 10, 2010

*By fax to (212)805-6382*

Honorable Victor Marrero  
United States District Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007-1312

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 11-23-10

**Re: *Anwar, et al. v. Fairfield Greenwich Limited, et al.,*  
09-cv-118(VM)(THK)**  
***Headway Investment Corporation v. American Express Bank Ltd., et al.,***  
**09-cv-8500 (S.D. Fla. #1:09-cv-21395 transferred by MDL 2088)**

Dear Judge Marrero:

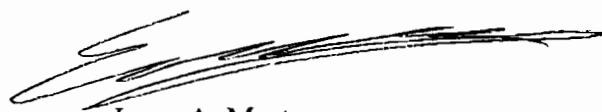
We represent Plaintiff Headway Investment Corporation in the above-styled action. Headway filed a Motion for Reconsideration on October 18, 2010, requesting reconsideration of the Court's October 4, 2010 Decision and Order dismissing Headway's negligence claim and Headway's claims against Carlos Gadala-Maria, Raul N. Mas, Robert Friedman, Rodolfo Pages, and John Dutkowski (the "Individual Defendants"). On October 20, 2010, this Court heard argument from the parties, and granted Headway's Motion for Reconsideration as to all requested relief. Part of the purpose of its motion, and part of the Court's stated reason for granting it, was to avoid needless and inefficient litigation over repleading. As a result of the Court's ruling, Headway did not intend to seek leave to replead its claims as they had been reinstated. The deadline to seek leave to replead is today, October 25, 2010.

On October 21, 2010, however, counsel for the Individual Defendants sent a letter to the Court to reconsider its order granting Headway's Motion for Reconsideration. On October 25, 2010, the Court endorsed the Individual Defendants' October 21, 2010 letter, giving the Individual Defendants until November 5, 2010, within which to respond to Headway's Motion for Reconsideration. The individual Defendants filed a response on November 3, 2010. Given the endorsed order, and the October 25, 2010 deadline

Honorable Victor Marrero  
November 10, 2010  
Page 2

for filing any applications for leave to replead, Headway respectfully requested an extension through November 10, 2010, to seek leave to replead on October 25, 2010. Because the Court has still not decided the matter related to Headway's Motion for Reconsideration regarding the Individual Defendants, Headway requests a further extension through November 20, 2010, to seek leave to replead.<sup>1</sup>

Respectfully submitted,



For Jorge A. Mestre

cc: Counsel for all parties (by e-mail)

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by <i>Plaintiff Headway Investment Corp.</i>	
<b>SO ORDERED.</b>	
11-22-10 DATE	 VICTOR MARRERO, U.S.D.J.

1460.01\CORRES\LTR J. MARRERO 11.10 10

<sup>1</sup> In the event this Court denies Headway's request for an extension of the Court's deadline to seek leave to replead, this letter shall serve as Headway's application to replead its claims. If necessary, a memorandum of law in support of the application will be filed forthwith.